



DPCDD/EDG/OIS

Dear CMS Data User Community:

This is to inform you that **effective April 14, 2003**, CMS is required to comply with the new Privacy Rule – Health Insurance Accountability and Portability Act (HIPAA). As a result, we are changing the release policy criteria for obtaining the [Beneficiary Encrypted Files \(BEFs\)](#). Since the BEFs are considered identifiable data, the BEF customers will need to meet the same criteria that is required for obtaining other identifiable data files. BEF users will have to meet the following (applies to the original acquisition and subsequent releases):

1. Submission of formal [letter of request](#) identifying the purpose for which the data are to be used.
2. Submission of Project Plan or [Research Protocol](#) outlining the purpose for using these data.
3. Submission of [Data Use Agreement](#) with original signatures.

We will review the submission and determine whether the purpose described is consistent with an appropriate Privacy Act routine use disclosure provision.

You may download samples of project plan/research protocols and the Data Use Agreement from our website at: <http://cms.hhs.gov/data/requests/forms.asp>.

If you have any questions regarding the new criteria, you may contact me at BEFPolicy@CMS.HHS.GOV.

Sincerely,

J. Ned Burford
Privacy Officer